

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:)	
)	Previous Group Art Unit: 3732
W. MARTIN BELEF et al.)	
)	Previous Examiner: Eduardo C. Robert
Serial No.: Not Yet Assigned)	
)	
Filed: Herewith (October 22, 2003))	
)	
For: Methods for Treating Spinal Discs)	
)	
)	
)	

INFORMATION DISCLOSURE STATEMENT

MAIL STOP IDS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

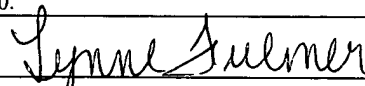
Sir:

In accordance with 37 CFR §§ 1.97 and 1.98, the items identified in this Information Disclosure Statement ("IDS") are brought to the attention of the Office. The items are listed on the attached form PTO-1449. This is a continuation application and the items identified in this application were previously submitted under Application Serial No. 09/828,039 filed on April 6, 2001. Thus, no copies of the cited references are enclosed.

CERTIFICATE OF MAILING
(37 C.F.R. §1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as Express Mail in an envelope addressed to the MAIL STOP IDS Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Express Mail No.: EV 339738033 US
Date of Deposit: October 22, 2003
DOCSOC1:143450.1
704117-4005 J2G


Lynne Fulmer

The items identified in this IDS may or may not be “material” pursuant to 37 CFR § 1.56. The submission thereof by Applicant is not to be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be material (37 CFR § 1.97(h)), or even qualifies as “prior art” under 35 USC § 102 with respect to this invention unless specifically designated by Applicant as such.

INFORMATION DISCLOSURE STATEMENT FILING PROVISION:

☒ This IDS is believed to be timely in that it is being submitted under 37 CFR § 1.97(b), that is (1) within three months of the filing date of the application, which is not a continued prosecution application filed under § 1.53(d); or (2) within three months of entry of the national stage as set forth in 37 CFR § 1.491; or (3) before the mailing of a first Office action on the merits; or (4) before the mailing of a first Office action after filing a request for continued examination under § 1.114. Thus, no fee is required.

Thus, no copies of the cited references are enclosed.

☐ However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and charge the fee due under 37 CFR § 1.17(p) to the deposit account referenced below.

☐ However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and a statement under 37 CFR § 1.97(e) is included below, thus no fee is required.

☐ This IDS is being submitted under 37 CFR § 1.97(c), that is after mailing of a first Office action on the merits, but before a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311.

☐ The fee due under 37 CFR § 1.17(p) is submitted herewith.

☐ A statement under 37 CFR § 1.97(e) is included below, thus no fee is required. In the event that this IDS is not received before a Final Action or a Notice of Allowance, then Applicant respectfully requests that the Office consider the filing of these papers to be submitted under 37 CFR § 1.97(d) and charge the fee due under 37 CFR § 1.17(p) to the deposit account below.

☐ This IDS is being submitted under 37 CFR § 1.97(d), that is after a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311, but before payment of the issue fee. A statement under 37 CFR § 1.97(e) is included below. The fee due under 37 CFR § 1.17(p) is submitted herewith.

STATEMENT UNDER 37 CFR § 1.97(e):

- ☐ Each item contained in this IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS.
- ☐ No item contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this statement after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this IDS.

PAYMENT AND/OR AUTHORIZATION TO CHARGE FEES:

- ☐ A check in the amount of _____ is enclosed for the above fee(s).
- ☐ Please charge \$0.00 to Deposit Account No. 150665 for the above fee(s).

The Commissioner is authorized to charge any fees required by the filing of these papers, and to credit any overpayment to Orrick, Herrington & Sutcliffe LLP's Deposit Account No. 150665.

Respectfully submitted,

ORRICK HERRINGTON & SUTCLIFFE LLP

Dated: October 22, 2003

By: 
James W. Geriak, Reg. No. 20,233

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FORM PTO-1449 LIST OF PATENTS AND OTHER ITEMS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT (Us several sheets if necessary)	ATTY. DOCKET NO. 704117.4005	SERIAL NO. Not Yet Assigned
	APPLICANT: W. Martin Belef, et al.	
	FILING DATE: April 6, 2001	GROUP: Not yet assigned

U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE
		RE 34,866	2/21/1995	Kensey, et al.			
		3,678,158	7/18/1972	Sussman			
		3,941,127	3/2/1976	Froning			
		3,944,114	3/16/1976	Coppens			
		3,964,480	6/22/1976	Froning			
		4,439,423	3/27/1984	Smith			
		4,638,799	1/27/1987	Moore			
		4,719,108	1/12/1988	Smith			
		4,744,364	5/17/1988	Kensey			
		4,772,287	9/20/1988	Ray, et al.			
		4,852,568	8/1/1989	Kensey			
		4,863,477	9/5/1989	Monson			
		4,878,915	11/7/1989	Brantigan			
		4,904,260	2/27/1990	Ray, et al.			
		4,968,298	11/6/1990	Michelson			
		5,015,247	5/14/1991	Michelson			
		5,021,059	6/4/1991	Kensey, et al.			
		5,061,274	10/29/1991	Kensey			
		5,114,032	5/19/1992	Laidlaw			
		5,123,926	6/23/1992	Pisharodi			
		5,192,301	3/9/1993	Kamiya, et al.			
		5,192,302	3/9/1993	Kensey, et al.			

DOCSOC1:143444.1 704117-4005 J2G EXAMINER: Not yet assigned	DATE CONSIDERED:
EXAMINER: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include a copy of this form with next communication to applicant	

FORM PTO-1449 LIST OF PATENTS AND OTHER ITEMS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT (Use serial sheets if necessary)	ATTY. DOCKET NO. 704117.4005	SERIAL NO. Not Yet Assigned
	APPLICANT: W. Martin Belef, et al.	
	FILING DATE: April 6, 2001	GROUP: Not yet assigned

		5,222,974	6/29/1993	Kensey, et al.			
		5,275,616	1/4/1994	Fowler			
		5,306,254	4/26/1994	Nash, et al.			
		5,411,520	5/2/1995	Nash, et al.			
		5,549,679	8/27/1996	Kuslich			
		5,562,736	10/8/1996	Ray, et al.			
		5,571,189	11/5/1996	Kuslich			
		5,601,556	2/11/1997	Pisharodi			
		5,645,565	7/8/1997	Rudd, et al.			
		5,690,674	11/25/1997	Diaz			
		5,720,748	2/24/1998	Kuslich, et al.			
		5,800,549	9/1/1998	Bao, et al.			
		5,800,550	9/1/1998	Sertich			
		5,830,125	11/3/1998	Scribner, et al.			
		5,871,525	2/16/1999	Edwards, et al.			
		5,888,220	3/30/1999	Felt, et al.			
		5,888,223	3/30/1999	Bray, Jr.			
		5,674,296	10/7/1997	Bryan, et al.			
		5,728,146	3/17/1998	Burkett, et al.			
		5,865,846	2/2/1999	Bryan, et al.			
		6,001,130	12/14/1999	Bryan, et al.			
		6,066,108	5/23/2000	Lundberg			
		6,095,149	8/1/2000	Sharkey, et al.			
		6,156,067	12/5/2000	Bryan, et al.			

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	APPLICANT: W. Martin Belef, et al.	
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		6,221,109 B1	4/24/2001	Geistlich, et al.			
		6,248,131 B1	6/19/2001	Felt, et al.			
		6,482,235	11/19/2002	Lambrech et al.			
		6,547,810	4/15/2003	Sharkey et al.			
		Published US 2002/0016583	Pub. Date 2/7/2002	Cragg			
		5,888,224	3/30/1999	Beckers, et al.			
		5,893,890	4/13/1999	Pisharodi			
		5,897,593	4/27/1999	Kohrs, et al.			
		5,964,807	10/12/1999	Gan, et al.			
		5,972,015	10/26/1999	Scribner, et al.			
		5,972,031	10/26/1999	Biedermann, et al.			
		6,007,570	12/28/1999	Sharkey, et al.			
		6,022,376	2/8/2000	Assell, et al.			
		6,048,346	4/11/2000	Reiley, et al.			
		6,056,749	5/2/2000	Kuslich			
		6,066,154	5/23/2000	Reiley, et al.			
		6,093,207	7/25/2000	Pisharodi			
		6,095,149	8/1/2000	Sharkey, et al.			
		6,122,549	9/19/2000	Sharkey, et al.			
		6,126,682	10/3/2000	Sharkey, et al.			
		6,146,419	11/14/2000	Eaton			
		US 6,183,518 B1	2/6/2001	Ross, et al.			
		US 6,206,921 B1	3/27/2001	Guagliano, et al.			
		US 6,206,922 B1	3/27/2001	Zdeblich, et al.			

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	FILING DATE: April 6, 2001	GROUP: Not yet assigned

		US 6,206,923 B1	3/27/2001	Boyd, et al.			
FOREIGN PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION YES NO
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)							
		PCT Publication No. WO 00/69374, "Alloplastic Vertebral Disk Replacement", L. Eaton, et al., 11/23/00.					
		PCT Publication No. WO 00/71032 A2, "Hemostatic Device for Angioplasty", Marius Saines, 11/30/00.					
		Maruice Hiles, "New Specialty Polymer Products Through Interpenetrating Polymer Network (IPN) Technology - The Development of an Interpenetrating Polymer Network to Contain Mechanically Induced Vibration" Oct. 20-21, 1986, Colony Square Hotel, Atlanta, GA					
		E.H. Cassinelli, M.D., et al., Biochemistry of Intervertebral Disk Degeneration and the Potential for Gene Therapy Applications", SpineLine, The Clinical & News Magazine for Spine Care Professionals, Vol. 11, Issue 1, Jan-Feb. 2001.					
		K. Nishimura, M.D., et al., "Percutaneous Reinsertion of the Nucleus Pulposus, An Experimental Study", SPINE Vol. 23, No. 14, pp. 1531-1539, 1998.					

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